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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/677,987

10/02/2003

Paul M. Steinhauser JR.

SHP-108-A

9058

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7590

07/05/2005

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EXAMINER

KLEBE, GERALD B

ART UNIT

PAPER NUMBER

3618

DATE MAILED: 07/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/677,987	Applicant(s) STEINHAUSER, PAUL M.	
	Examiner Gerald B. Klebe	Art Unit 3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-68 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-68 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

G.B. Klebe
24 June 2005

Attachment(s)

- | | |
|---|---|
| 1) ☐ Notice of References Cited (PTO-892) | 4) ☐ Interview Summary (PTO-413) |
| 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) ☐ Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) ☐ Other: _____ |

DETAILED ACTION

Election/Restriction

1. This application contains claims directed to the following patentably distinct species of the claimed invention of a releasably mountable ice skate blade guard roller apparatus:

Species I: Figures 1, 4, 5, 10, and 11, where the blade guard roller apparatus comprises a longitudinally extending channel with closed front end and open rear end and having a plurality of apertures distributed along its length, the channel receiving and supporting a guard on the skate blade, where the guard has a plurality of apertures distributed longitudinally along the length of its bottom for receiving a pair of wheeled axles and the pin of a heel strap that engages the heel of the blade, the forward end of the apparatus further having an aperture for insertion of a toe end strap used to secure the forward end of the apparatus to the forward end of the blade;

Species II: Figures 12-14, where the support channel member of the blade guard roller apparatus is comprised of two separate support channels, one for supporting the blade guard at the forward end and the other for supporting the blade guard at its rear end;

Species III: Figures 15-21 and 23-24, which differs from Species I by securing the forward end of the apparatus to the forward end of the blade by means of a front strap secured around the blade and adapted to securely engage a forward aperture of the blade guard roller apparatus;

Species IV: Figures 25-26, in which the two wheeled axles are journaled directly to the blade guard and without the use of either of a channel member or a front strap;

Species V: Figures 27-31, 34 and 36, an embodiment comprising front end and roller assemblies each separately mountable to the blade guard and channel combination and wherein

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the front end roller assembly further comprises a lock device securing the front end roller assembly to the skate blade;

Species VI: Figures 40 and 41, an embodiment that differs from Species V by further incorporating an elastic heel strap securing the rear roller assembly to the heel end of the skate blade.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim is generic.

2. Upon Applicant's election of any one of the above species I - III, V, and VI, a further election must be made from the following:

a. Upon election of either Species I or Species II, a further election must be made from the following patentably distinct species of toe end strap:

Species A: Figure 6, hook and loop fabric fastener strap;

Species B: Figure 7, aperture and Tee end strap;

Species C: Figure 8, keyhole aperture and ball end adjustable strap;

Species D: Figure 9, multiple connecting aperture and protrusion adjustable strap.

b. Upon election of Species III, a further election must be made from the following patentably distinct species of front strap:

Species i: Figures 15-16, strap with end apertures and keeper pin;

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Species ii; Figures 17-18, keyhole aperture and ball-end strap;

Species iii: Figures 19-20, length adjustable keyhole aperture and ball-end strap;

Species iv: Figure 21, double-ended aperture and ball-end strap;

Species v: Figures 23-24, strap with enlarged head end and aperture and keeper pin end.

c. Upon election of either Species V or species VI, a further election must be made from the following patentably distinct species of front roller assembly lock devices:

Species a: Figure 32, quick-release lever lock;

Species b: Figure 33, pull-ring pin lock;

Species c: Figures 34-35, cammed lock;

Species d: Figure 37, spring biased pull-pin lock;

Species e: Figure 38-39, spring-biased lever lock.

3. The remaining figures 2, 3, and 22 depict the conventional.

4. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim is generic.

5. A telephone call was made to the Attorney of Record, William M. Hanlon, Jr., Reg. No. 28,4222 on 24 June 2005 to request an oral election to the above restriction requirement, but did not result in an election being made. Speaking on behalf of the attorney, his Legal Assistant requested a written requirement be mailed.

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6. Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Conclusion

7. Any inquiry concerning this or earlier communication(s) from the examiner should be directed to Gerald B. Klebe at 571-272-6695; Mon.-Fri., 8:00 AM - 4:30 PM ET, or to Supervisory Patent Examiner Christopher P. Ellis, Art Unit 3618, at 571-272-6914.

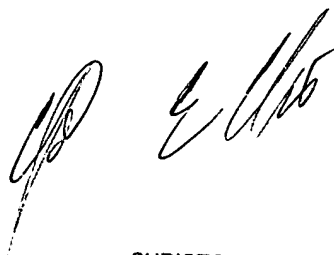
Official correspondence should be sent to the following TC 3600 Official Rightfax numbers as follows: Regular correspondence: 703-872-9326; After Finals: 703-872-9327; Customer Service: 703-872-9325.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


goblebe / Art Unit 3618 / 24 June 2005



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